

JURISDICTION:

**FLORIDA**

General References:

This chapter summarizes Florida State statutes related to speed.  
Florida Statutes Annotated and Florida Administrative Code (FAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards than existing. §316.183(1) & (4)

Statutory Speed Limit:  
See Other below.

70 MPH on limited access highways<sup>1</sup> §316.187(2)(a)  
55 MPH in all locations except as noted §316.183(2)  
30 MPH<sup>2</sup> in business and residence districts §§316.183(2) & 316.189(2)(a)

Posted (Maximum) Speed Limit:

I. After engineering and traffic investigations, the State or local governments (within their jurisdictions) may increase or decrease the statutory speed limit on a highway.<sup>3</sup> However, the State cannot establish a speed limit >70 MPH and local jurisdictions cannot establish a maximum speed limit >60 MPH. §316.187(2)(e) & (2)(e) and 316.189(1) & (2)(b)  
II. Under separate statutory authority, the State Department of Transportation or a local government may reduce the speed limits otherwise proscribed by law on any highway (or part thereof) or bridge. Such action must be based on the need to avoid damage to such highway or bridge due to either its design or to weather related conditions. §316.555  
Note: Under such authority, it may be possible to provide for different speeds for different types of vehicles.<sup>3</sup>

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §316.183(5)  
II. The minimum speed limit on Interstate and Defense Highways, with at least 4 lanes, is 40 MPH. §316.183(2)  
III. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §316.081(2)

Posted (Minimum) Speed Limit:

I. After engineering and traffic investigations, the State or local governments (within their jurisdictions) may establish a minimum speed limit for a highway. §§316.187(2)(d) & 316.189(2)(d)  
II. Based on safety consideration, the State or a local government may prohibit the operation of "low speed vehicles" on the roads under their

Basis for a Speed Law Violation: (continued)

Posted (Minimum) Speed Limit: (continued)

respective jurisdictions. §316.2122 A "low speed vehicle" is defined as "any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour...." §320.01(42)

Other:

I. No school bus shall exceed the posted speed limit or 55 MPH. §316.183(3)  
II. No person shall exceed the posted speed limit in a work zone. §316.183(6)

<sup>1</sup>Other provisions of law establish the maximum speed limit of 65 MPH on any other highway which has 4 lanes that are divided by a median strip and which are located outside of urban areas with populations ≥5,000. §316.187(2)(b)

<sup>2</sup>After an investigation, local authorities may establish a maximum speed limit of 20 MPH or 25 MPH in residence districts. §316.183

<sup>3</sup>The State Department of Transportation or a local government may "regulate" any class or size of motor vehicle, trailer or semitrailer upon any part of a highway under their respective jurisdictions when in their judgment such action is needed to for public safety due to "traffic density" or "intensive use" of such highway. §316.555 Note: Such "regulation" could include the establishment of special speed limits for certain classes or types of vehicles on certain segments of a highway

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III. No person shall exceed the posted speed limit in a school zone.<sup>4</sup>  
§316.1895

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Violations are Noncriminal Traffic Infractions (Moving Violations). §§316.187(3), 316.189(4), 316.1895(9), 316.655, 318.13(3) & 318.14(1)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

**None**

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

I. Exceeding the Speed Limit where the offense is not adjudicated-Civil Penalty<sup>5</sup>-**\$25 to \$250** depending upon the extent of the violation<sup>6</sup>  
§318.18(3)(b)

II. Other Speed Law Violations where the offense is not adjudicated-Civil Penalty-**\$60** §318.18(3)(a)

III. Any Speed Law Violation where the offender elects adjudication<sup>7</sup>-Not more than **\$500**. However, the fine limit is not more than **\$1,000** in situations where there was unlawful speeding in either a school or construction zone. §§316.655(3) & 318.14(5)

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<sup>4</sup>A school zone speed limit cannot be more than 20 MPH. Such limit may only be in force 30 minutes before, during and after students are arriving or leaving a regularly scheduled school session. §316.1895(4)

<sup>5</sup>I.e, this sanction is imposed on violators who elect not have a hearing.

<sup>6</sup>I. For exceeding the speed limit from 1 to 5 MPH, a **warning** is issued. For exceeding the speed limit from 6 to 9 MPH, the fine is **\$25**. For exceeding the speed limit from 10 to 14 MPH, the fine is **\$100**. For exceeding the speed limit from 15 to 19 MPH, the fine is **\$125**. For exceeding the speed limit from 20 to 29 MPH, the fine is **\$150**. And, for exceeding the speed limit by 30 MPH, the fine is **\$250**. §318.18(3)(b) II. For exceeding the speed limit in a school zone ≤5MPH, the fine is **\$50**. Otherwise, for exceeding the speed limit in a school zone, the assessed fine is **double** the amount indicated in I. §318.18(3)(c) III. For exceeding the speed limit in a construction zone (except for speeds ≤5 MPH over the posted speed limit), the assessed fine is **double** the amount indicated in I. §318.18(3)(d)

<sup>7</sup>Sanction or sanctions which can be imposed if an offender elects to adjudicate the traffic offense. §§316.655(2) & 318.14(5)

Sanctions Following an Adjudication of a Speed Law Violation:  
(continued)

Mandatory Min. Fine (\$):	<b>None</b>
Other Penalties:	
Traffic School:	A person may be required to attend a driver improvement school. <sup>8</sup> §318.14(5) & (9)
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> either via the Point System <sup>9</sup> or <b>Suspension/Revocation</b> via the courts <sup>10</sup> §§316.655(2) & 322.27(3)

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<sup>8</sup>I. A person, who commits a noncriminal traffic infraction, may, in lieu of a court appearance, elect to attend a driver improvement course. If such occurs, adjudication is withheld and points cannot be assessed against the person's driving record. In addition, the civil penalty imposed under §318.18(3) must be reduced by 18 percent. §318.14(9) II. If an offender elects to adjudicate the traffic infraction, they still may be ordered to attend such a course. §318.14(5)

<sup>9</sup>**Point System.** I. A person's license is suspended respectively for either (1) not more than 30 days, (2) not more than 3 months or (3) not more than 1 year if they accumulate either (1) 12 points within 12 months, (2) 18 points within 18 months or (3) 24 points within 36 months. §322.27(a), (b) & (c) II. The following points are assessed for speed related moving traffic violations: (1) 3 points for exceeding the speed limit by <15 MPH; (2) 4 points for exceeding the speed limit by >15 MPH; (3) 6 points for unlawful speed that results in an accident; (4) 4 points for reckless driving; (5) 3 points for careless driving; (6) 3 points for racing on the highways; (7) 3 points for any other moving violation; and, (8) 4 points for a non-speed related moving violation that results in an accident. §322.27(3)(d)(1), (3), (5)(a) & (b), (6), (7) & (8)

<sup>10</sup>In addition to any action that may be taken by the licensing agency, the court has the authority to either suspend or revoke a driver's license if the court determines that there exists a need to protect persons who use the highways. In determining whether to take such action, the court considers among other things the extent or nature of the violation and whether, as a result of the violation there was either a death, personal injury or property damage. §316.655(2) Note: This provision does not provide for specific license suspension or revocation periods. However, under §322.28(1), the licensing agency can only suspend or revoke a license for 1 year. In addition, the licensing agency may be able to issue driving privileges for employment purposes under §322.271.

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Term of License Withdrawal  
(Days, Months, Years, etc.):

**30 days to 1 year** depending upon the number of points that have been accumulated §322.27(3)(a), (b) & (c)

Mandatory Minimum Term of  
Withdrawal:

**None**<sup>11</sup>

Miscellaneous Sanctions  
Not Included Elsewhere:

If a speeding offense caused the death of another person, the offender may be required to perform 120 hours of community service. §318.14(1)

Other Criminal Actions Related to Speeding:

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<sup>11</sup>The licensing agency may modify either a suspension or revocation order and allow an offender to operate a motor vehicle for employment purposes. §322.271 and FAC §15A-1.019

<u>Racing on Highway</u> <sup>12</sup> :	Noncriminal Traffic Infraction (Moving Violation) §316.191(1) & (5), 316.655(1) and 318.13(3)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<b>None</b>
Mandatory Minimum Term:	
Fine (\$ Range):	I. For Non-Adjudication Offenses-Civil Penalty <sup>5</sup> - <b>\$60</b> §318.18(3)(a) See Footnote No. 8. II. For Adjudication Offenses <sup>7</sup> -Not more than <b>\$500</b> §318.14(5)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<b>Suspension</b> via the Point System or <b>Suspension/Revocation</b> via the courts <sup>10</sup> §§316.655(2) & 322.27(3) See Footnote Nos. 8 & 9.
Length of Term of Licensing Withdrawal:	<b>30 days to 1 year</b> depending upon the number of points that have been accumulated §322.27(3)(a), (b) & (c)
Mandatory Action--Minimum Length of License Withdrawal:	<b>None</b> <sup>11</sup>
Other:	I. A person may be required to attend a driver improvement school. §§316.655(3) & 318.14(5) & (9) See Footnote No. 8. II. If the offense caused the death of another person, the offender may be required to perform 120 hours of community service. §318.14(1)
<u>Reckless Driving</u> <sup>13</sup> :	Misdemeanor (Moving Violation) §§316.192, 316.655(1), 318.13(3), 775.08(2) & 775.081(2) Note: The law is not clear as to whether this is either 1st or 2nd Degree Misdemeanor.
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense</u> -Not more than <b>90 days</b> <u>Subsequent offense</u> -Not more than <b>6 months</b> §316.192(2)(a) & (b)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<u>1st offense</u> - <b>\$25 to \$500</b> <u>Subsequent offense</u> - <b>\$50 to \$1,000</b> §316.192(2)(a) & (b)
Mandatory Minimum Fine:	<b>None</b>

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<sup>12</sup>"No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record" on a highway or street. §316.191(1)

<sup>13</sup>A person commits a 2nd Degree Felony if they attempt to elude a law enforcement officer who is operating a marked patrol vehicle with siren and lights activated and the person drives either (1) at a high speed or (2) "in any manner which demonstrates a wanton disregard for the safety of persons or property...." The sanctions for this offense are imprisonment for not more than 15 years, a fine of not more than \$10,000 and license revocation for not more than 1 year. §§316.1935(3) & (5), 775.082(3)(c) and 775.083(1)(b)

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Other Criminal Actions Related to Speeding:  
(continued)

Reckless Driving: (continued)  
Administrative Licensing Actions:  
Type of Licensing Action  
(Susp/Rev):

**Suspension** via the Point System or **Suspension/Revocation** via the courts<sup>10</sup> §§316.655(2) & 322.27(3) 3rd offense-Revocation §322.26(6)  
See Footnote Nos. 8 & 9.

Length of Term of License  
Withdrawal Action:

**30 days to 1 year** depending upon the number of points that have been accumulated §322.27(3)(a), (b) & (c) 3rd offense-1 year §322.28(1)

Mandatory Term of License  
Withdrawal Action:

**None**<sup>11</sup>

Other:

- I. Subsequent offense-If there is a death as a result of the offense, the offender may be required to serve 120 hours of community service. §316.192(2)(b)
- II. 1st or subsequent offense-A fee of **\$5** is imposed for the purpose of funding the Emergency Medical Services Trust Fund. §316.192(3)
- III. 1st or subsequent offense-If alcohol or chemical/controlled substances contributed to the violation, the offender **must** complete an "pschosocial evaluation" as proved under §316.193(5). The offender may be referred to a substance abuse treatment program. §316.192(4)

Careless Driving<sup>14</sup>:

Noncriminal Traffic Infraction (Moving Violation) §§316.1925, 316.655(1), 318.13(3) & 318.14(1)

Sanction:  
Criminal:  
Imprisonment (Term):  
Mandatory Minimum Term  
of Imprisonment:  
Fine (\$ Range):

**None**

- I. For Non-Adjudication Offenses-Civil Penalty<sup>5</sup>-**\$60** §318.18(3)(a) See Footnote No. 8.
- II. For Adjudication Offenses<sup>7</sup>-Not more than **\$500** §318.14(5)

Mandatory Minimum Fine:

**None**

Administrative Licensing Actions:  
Type of Licensing Action  
(Susp/Rev):

**Suspension** via the Point System or **Suspension/Revocation** via the courts<sup>10</sup> §§316.655(2) & 322.27(3) See Footnote Nos. 8 & 9.

Length of Term of License  
Withdrawal Action:

**30 days to 1 year** depending upon the number of points that have been accumulated §322.27(3)(a), (b) & (c) 3rd offense-1 year §322.28(1)

Mandatory Term of License  
Withdrawal Action:

**None**<sup>11</sup>

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<sup>14</sup>A person shall operate a vehicle "in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic, and all other attendant circumstances, so as not to endanger the life, limb, or property of any person." §316.1925(1)

Other Criminal Actions Related to Speeding:  
(continued)

Careless Driving: (continued)

Other:

- I. A person may be required to attend a driver improvement school. §§316.655(3) & 318.14(5) & (9) See Footnote No. 8.
- II. If the offense caused the death of another person, the offender may be required to perform 120 hours of community service. §318.14(1)

Commercial Motor Vehicle (CMV) Operators<sup>15</sup>:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"<sup>16</sup> within a 3 year period or (2) commit 3 such violations within a 3 year period. §322.61(1) & (2)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §322.61(1) & (2)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §322.61(1) & (2)

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<sup>15</sup>A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of  $\geq 26,001$  lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §322.01(8)

<sup>16</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH, reckless driving or careless driving. §322.61(1)(b), (c) & (e)